

## REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 21, 23-28, and 30-43 are pending in the present application, with claims 21 and 43 being independent. Claims 22 and 29 have been cancelled by this amendment without prejudice or disclaimer to the subject matter contained therein.

### ***Claim Rejections under 35 U.S.C. §102***

The Examiner again rejected claims 21-26, 33-41 and now 42 under 35 U.S.C. §102(b), as being anticipated by Marius (DE 10123561). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

Applicants have amended independent claim 21 to further include the subject matter of dependent claims 22 and 29. Applicants respectfully submit that Marius fails to teach or suggest at least these features. For example, the Examiner alleges in the outstanding office action that Marius anticipates previously pending claim 22, which additionally recited that the biometric data also included at least one characteristic of...a face of a person. Marius, however, contains no such teaching.

Furthermore, Marius also fails to teach the features, of previously pending claim 29, i.e. that the illuminating of the object includes directing an illumination path coming laterally from the light source onto the object and wherein the acquiring of numerical data includes analyzing both a reflected portion and a transmitted portion using at least one of a spectroscopic analysis and a scattered-light-spectroscopic analysis. In fact, Marius contains absolutely no such teaching, and therefore the rejection should be

withdrawn. Thus, because Marius fails to anticipate at least previously pending dependent claims 22 and 29, which are now incorporated into independent claim 21, claim 21 is clearly not anticipated by Marius. Accordingly, withdrawal of the rejection is respectfully requested.

Dependent claims 23-26 and 33-42 should be considered allowable at least for depending from an allowable base claim.

***Claim Rejections under 35 U.S.C. §103***

The Examiner rejected: claim 27 under 35 U.S.C. §103, as being unpatentable over Marius in view of Bolle et al. (US 2004/0042642); and claims 43 and 28-32 under 35 U.S.C. §103, as being unpatentable over Marius in view of Einighammer et al. (US 2006/005661). These rejections are respectfully traversed.

First, Applicants respectfully submit that the cited art fails to teach or suggest at least the feature of "wherein the illuminating of the object includes directing an illumination path coming laterally from the light source onto the object and wherein the acquiring of numerical data includes analyzing both a reflected portion and a transmitted portion using at least one of a spectroscopic analysis and a scattered-light-spectroscopic analysis," as recited in independent claim 43. In fact, the Examiner, failed to address this feature at all.

On page 13 of the outstanding office action, the Examiner alleges that Marius discloses the feature of illuminating an object using a light source. The Examiner, however, completely disregarded the above recited feature of independent claim 43. Therefore, because the alleged combination of the cited art fails to teach or suggest all

of the features of at least independent claim 43, the rejection is improper and must be withdrawn.

Accordingly, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Martin R. Geissler, Applicants' Attorney at 1.703.621.7140 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

**Date: October 15, 2008**

Respectfully Submitted,

/Martin R. Geissler/

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